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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,105	01/04/2002	Shell Sterling Simpson	10007691-1	8630

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/039,105

Applicant(s)

SIMPSON ET AL.

Examiner

Michael Burleson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-13,17-29,31,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 4-7,14-16,30,32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 10-20, filed 10/24/2006, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kumada US 6377355.
2. Regarding claims 1,12,13 and 16-17, Applicant states that the reference of Kumada US 5815642 fails to teach of a network. Examiner agrees with Applicant. Kumada US 6377355 teaches of a system constituted by a plurality of devices (column 13,lines 46-56, by definition, network is an interconnected or intersecting configuration or system of components (www.hyperdictionary.com)). Applicant states that Kumada US 5815642 fails to teach of identifying colors represented by imaging data "from information contained within the imaging data" Examiner agrees with Applicant. Kumada US 6377355 teaches that a color is checked to see if it is within the color gamut of an output device (column 8,lines 40-48). Applicant states that the reference of Kumada US 5815642 fails to teach of color identification occurs "independent of consideration of monitor characteristics". Examiner agrees with Applicant. Kumada US 6377355 teaches that the color of the printer is checked (column 8,lines 25-30). Applicant's remarks regarding claims 4 and 8, have been considered and are persuasive.

3. Regarding claim 10, Applicant states that Kumada US 5815642 is silent as to ICC profiles (remarks page 15). Examiner agrees with Applicant. ICC profiles are look-up tables that describe the properties of a color space (www.deepcreekphoto.com) and the main emphasis is to describe the color attributes of a particular device or viewing requirement by defining a mapping between the source or target color space and profile connection space (www.wikipedia.org). Kumada US 6377355 teaches Lab color space describes the colorimetric values of RGB, which is being mapped between the monitor and the printer (column 8, lines 5-30).

4. Regarding claim 11, Applicant teaches that Kumada US 5815642 fails to teach of presenting a printing warning to the user that includes a message that explains that the printing device does not support a desired color. Examiner agrees with Applicant. Kumada US 6377355 teaches that the color that is outside of the gamut is displayed in a color that informs the user that a particular color is out of the gamut (column 8, lines 40-53). By definition, a message is a communication that is written or spoken or signaled (www.hyperdictionary.com).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 20-28 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claim 20, the logic claimed is merely a set of instructions per se. Since the logic of the network-based service is

merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP 2106 IV .B.1.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1,3,8-13,17-21,24,25,29,31,33 and 34 are rejected under 35

U.S.C. 102(e) as being anticipated by Kumada US 6377355.

9. Regarding claim 1, Kumada teaches of a method for notifying a user as to an inadequate color gamut, comprising: responsive to a print command, accessing via a network imaging data to be printed (column 13,lines 46-56, by definition, network is an interconnected or intersecting configuration or system of components (www.hyperdictionary.com)). Kumada teaches of identifying colors represented by the imaging data from information contained within the imaging data (column 8,lines 40-47).

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Kumada teaches of comparing the identified color with a color gamut of printing device that is to print the imaging data (column 8,lines 40-47). Kumada teaches of notifying the user if one or more of the identified colors is not included in the color gamut of the printing device; wherein the color identification occurs independent of consideration of monitor characteristics (column 8,lines 40-47).

10. Regarding claim 3, Kumada teaches wherein accessing imaging data comprises retrieving the imaging data (column 8,lines 40-47).

11. Regarding claim 8, Kumada teaches identifying colors comprises identifying a set of intensity values included in the accessed imaging data that represent an absolute color defined by a color profile (column 8,lines 26-38)

12. Regarding claim 9, Kumada teaches wherein the set of intensity values comprises at least one of RGB,CMY and YCC (column 8,lines 21-29)

13. Regarding claim 10, Kumada teaches wherein the color profile comprises an ICC profile (column 8,lines 21-29)

14. Regarding claim 11, Kumada teaches wherein notifying the user comprises presenting a printing warning to the user that includes a message that explains that the printing device does not support a desired color (column 8,lines 40-48)

15. Regarding claim 12, the steps of method claim 1 perform all of the means of the system of claim 12. Thus, claim 12 is rejected for the same reasons discussed in the rejection of claim 1.

16. Regarding claim 13, the steps of method claim 3 perform all of the means of the system of claim 13. Thus, claim 13 is rejected for the same reasons discussed in the rejection of claim 3.

17. Regarding claim 17, the steps of method claim 8 perform all of the means of the system of claim 17. Thus, claim 17 is rejected for the same reasons discussed in the rejection of claim 8.

18. Regarding claim 18, the steps of method claim 9 perform all of the means of the system of claim 18. Thus, claim 18 is rejected for the same reasons discussed in the rejection of claim 9.

19. Regarding claim 19, the steps of method claim 10 perform all of the means of the system of claim 19. Thus, claim 19 is rejected for the same reasons discussed in the rejection of claim 10.

20. Regarding claim 20, the steps of method claim 1 perform all of the logic of the network-based system of claim 20. Thus, claim 20 is rejected for the same reasons discussed in the rejection of claim 1.

21. Regarding claim 21, the steps of method claim 3 perform all of the logic of the network-based system of claim 21. Thus, claim 21 is rejected for the same reasons discussed in the rejection of claim 3.

22. Regarding claim 24, Kumada teaches of a printer (printer (3) figure 1) comprising: a processing device (host computer (2) figure 1) and memory including logic configured to access imaging data to be printed, logic configured to identify colors represented by the imaging data from information contained within the imaging data,

logic configured to compare the identified colors with a color gamut of the printer and logic configured to notify the user if one or more of the identified colors is not included in the color gamut of the printer (column 8, lines 15-52, figure 9).

23. Regarding claim 25, the steps of method claim 3 perform all of the means of the system of claim 25. Thus, claim 25 is rejected for the same reasons discussed in the rejection of claim 3.

24. Regarding claim 29, the steps of method claim 1 perform all of the means of the system of claim 29. Thus, claim 29 is rejected for the same reasons discussed in the rejection of claim 1.

25. Regarding claim 31, the steps of method claim 3 perform all of the means of the system of claim 31. Thus, claim 31 is rejected for the same reasons discussed in the rejection of claim 3.

26. Regarding claim 33, the steps of method claim 8 perform all of the means of the system of claim 33. Thus, claim 33 is rejected for the same reasons discussed in the rejection of claim 8.

27. Regarding claim 34, the steps of method claim 10 perform all of the means of the system of claim 34. Thus, claim 34 is rejected for the same reasons discussed in the rejection of claim 10.

Allowable Subject Matter

28. Claims 4-7,14-16,22,23,27,28,30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

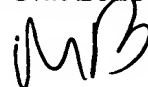
Conclusion

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached at (571) 272-7406



KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Michael Burleson
Patent Examiner
Art Unit 2626



Mlb
January 19, 2007